

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

ROGER FRY,

Plaintiff,

CASE NO. 1:06-cv-570

v

HON. JANET T. NEFF

CORRECTIONAL MEDICAL
SERVICES INC., et al.,

Defendants.

/

**ORDER & JUDGMENT ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt 65) filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the Opinion of the Court.

THEREFORE, IT IS ORDERED that:

Defendant George Pramstaller, D.O.'s Motion For Summary Judgment (Dkt 29) and Defendants CMS And Forshee's Motion For Summary Judgment (Dkt 50) are GRANTED, and this case is DISMISSED in its entirety.

The Court finds no good-faith basis for an appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997). Should plaintiff appeal this decision, the Court shall assess the appellate filing fee of \$455.00 pursuant to § 1915(b)(1), *see McGore*, 114 F.3d at 610-11, unless plaintiff is barred from proceeding *in forma*

pauperis, e.g., by the "three-strikes" rule of § 1915(g). If he is barred, plaintiff will be required to pay the \$455.00 appellate filing fee in one lump sum.

Date: March 20, 2008

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge